

Delegated Report

Householder Planning Application

Application No:	20220188
Location:	La Clef, Valley Lane, Meopham, Gravesend, Kent, DA13 0DG
Description:	Demolition of existing carport and erection of a double garage at lower ground level.
Applicant:	Mr Harry Mulheran
Site Visit:	10 th March 2022 / 5 th May 2022

Submitted Documents/Plans

The application comprises the following documents and plans:

- Application Form - dated 28/02/2022;
 - Covering Letter - dated 21/02/2022;
 - Drawing no. 001 - Rev. B - Site Location Plan, with Existing and Proposed Block Plans;
 - Drawing no. 002 - Rev. B - Existing and Proposed Floor Plans;
 - Drawing no. 003 - Rev. B - Existing and Proposed Elevations, with Proposed Street View and Side Section.
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- ~~Drawing no. 001 - Rev. A - Site Location Plan, with Existing and Proposed Block Plans - SUPERSEDED;~~
 - ~~Drawing no. 002 - Rev. A - Existing and Proposed Floor Plans - SUPERSEDED;~~
 - ~~Drawing no. 003 - Rev. A - Existing and Proposed Elevations, with Proposed Street View and Side Section - SUPERSEDED.~~

Relevant Planning History

Reference	Description	Decision	Decision Date
20220573	Application for a Lawful Development Certificate in respect of the continued use of outbuilding as an annexe ancillary to the main dwelling	CERTIFICATE GRANTED	05.08.2022
20210784	Erection of a single storey rear extension, alterations and increase in roof height to create space with useable head-height on the first floor, rear dormer, additional roof light windows to front and rear roof slopes and erection of a two storey porch.	PERMITTED	06.10.2021
20210640	Erection of a single storey rear extension, first floor extension over existing front porch, insertion of	REFUSED	14.07.2021

	additional windows to side elevations, rooflight windows to rear and increase in overall roof height.		
20210101	Erection of a single storey rear extension, first floor extension over existing front porch, erection of front dormers, insertion of additional windows to side elevations, rooflight windows to rear and increase in overall roof height.	REFUSED	23.04.2021
20120735	Erection of a detached double garage at the front.	PERMITTED	12.10.2012
19910551	Erection of a single storey detached dwelling with detached double garage at the front.	PERMITTED	05.11.1991

Development Plan

Gravesham Local Plan Core Strategy (September 2014):

- CS01 - Sustainable Development
- CS02 - Scale & Distribution of Development
- CS12 - Green Infrastructure
- CS18 - Climate Change
- CS19 - Design & Development Principles

Saved Policies in the Gravesham Local Plan First Review (November 1994):

- P3 - Vehicle Parking Standards
- C13 - Extensions to Dwellings in the Countryside

Other material considerations

National Planning Policy Framework (2021)

- Section 2 - Achieving sustainable development
- Section 12 - Achieving well-designed places
- Section 13 - Protecting Green Belt Land
- Section 15 - Conserving and enhancing the natural environment

Supplementary Planning Guidance

- SPG 2 - Residential layout guidelines including Housing Standards Policy Statement October 2015 Adopted 1996 - amended June 2020;
- SPG 4 - KCC Parking Standards (2006);
- Gravesham Householder Extensions/Alterations Design Guidance (SPD) (2021)
- Gravesham Landscape Character Assessment (2009)

Consultations, Publicity and Representations

Internal consultees

Local Ward Councillors - No comment received

GBC - Highways Officer - Ideally to conform to the requirements of SPG4 the garage should have a width of 6 metres, this is less than that at some 5.5 metres but is adequate to accommodate two vehicle just. It is noted the proposal is slightly longer than the suggested length and therefore gives some storage at the rear of the garage rather than at the side. It is suggested the applicant

should ensure adequate cabling is installed to support future electric vehicle charging points.

Garages

B2. Experience has shown that garages provided for individual residential dwellings are unlikely to be used for the parking of a vehicle unless sufficient space is also incorporated within the garage for storage. This may have less relevance for garages that are provided as a communal facility for residential accommodation. However, the needs of the mobility impaired, either as a driver or as a passenger, should also be considered in the design of garages and sufficient space should also be allowed to enable a garage to be used as a secure location for any cycle parking provision.

Taking these factors into account the preferred internal dimensions of a garage that should be considered for residential developments in Kent are:

Preferred Garage Size for Single Car	5.5m (length) x 3.6m (width)
Preferred Garage Size for Two Cars	5.5m (length) x 6.0m (width)

Where it can be demonstrated that cycle parking is provided elsewhere width of garage can be reduced.

External consultees

KCC - Heritage - The site lies within an area of multi-period archaeological potential. However, I consider it unlikely that these proposals, immediately adjacent to the existing dwelling, would have a significant below-ground archaeological impact and have no further comments to make in this case.

Meopham Parish Council - The Parish Council raises no objection to this application.

Neighbouring properties

A notice was displayed on site 10th March 2022.

In addition, six surrounding properties were consulted and no representations were received. The consultation period expired 1st April 2022.

Analysis

Policy Context in Culverstone - Green Belt Policy:

Policy C14 and the Supplementary Planning Guidance for the Culverstone Valley Area was removed by order of the inspectorate. It ceased to be relevant on adoption of the Core Strategy in September 2014, at which point Green Belt policy became the principle policy informing appropriate development across the area.

In light of this the application site is deemed to fall within the Green Belt and the proposals are therefore subject to Paragraph 149 of the National Planning Policy Framework (NPPF) (2021) which requires extensions or alterations to not be disproportionate to the original building and saved policy C13 of the Gravesham Local Plan First Review 1994 which restricts extensions to dwellings situated in the countryside to (C13.ii) "one third of the gross floor area of the original dwelling", prior to any later extension or alteration, unless the increased floorspace has no overall effect on the existing bulk and appearance of the dwelling.

Site Description

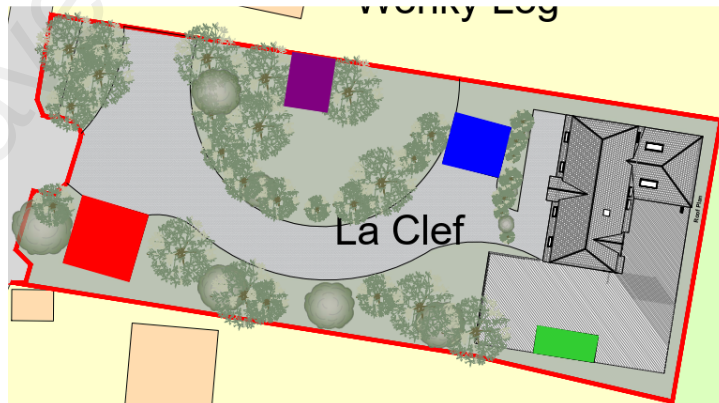
La Clef is a detached chalet style bungalow in use as a single family dwelling. The property is

located on the eastern side of Valley Lane and is significantly set back from, and elevated above, the highway. Planning permission was granted in 2021 for the alterations to the roof and a rear extension, which is currently under construction.



The property backs onto open arable farmland, but is within a relatively developed part of the Culverstone Valley. There is one property adjoining the curtilage to the north and two properties adjoining to the south. One property to the south, Kimberley, is located approximately 16m from the flank wall and is the only property directly in-line with the application site.

On the site there is an open carport (blue) located close to the property, an outbuilding (green) to the south of the property, a shed (purple) and a detached annexe (red) close to the front boundary.



Comment on the permitted garage - The annexe shown in red on the plan above, was granted permission as a garage in 2012, however was never built as such and was used as a residential

annexe from construction. An existing certificate of lawfulness has been granted by the Local Planning Authority for the building.

Proposed Development

This application proposes to demolish the existing carport and to erect a double garage at lower ground level. The garage will be cut into the slope of the hill and will have a maximum height of 3m.

The proposed development raises a number of planning issues, which are to be considered in this report:

1. Impact on the Green Belt:
 - i. *Is the proposed development appropriate in the Green Belt?*
 - ii. *The effect of the proposal on the openness of the Green Belt;*
 - iii. *If the proposal would be inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances needed to justify it.*
2. Design, Character and Appearance;
3. Amenity of Future Occupiers;
4. Neighbouring Amenity;
5. Highways, Access and Parking Issues; and
6. Impact on the Landscape.

1. Principle of the Development and Policy Issues

The fundamental consideration in assessing this development proposal is whether the proposed garage is inappropriate development or not within the Green Belt. Policy CS02 of the adopted Gravesham Local Plan Core Strategy (LPCS) (2014) embeds national policy on Green Belt into the local plan. National policies for protecting the Green Belt are set out in Section 13 of the National Planning Policy Framework (NPPF) (2021).

Great importance is attached by the Government to Green Belts, with their fundamental aim being to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and permanence (NPPF - paragraph 137). Green Belts serve five purposes (NPPF - paragraph 138):

- To check the unrestricted sprawl of large built up areas;
- To prevent neighbouring towns merging into one another;
- To assist in safeguarding the countryside from encroachment;
- To preserve the setting and special character of historic towns; and
- To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

Whilst the adopted LPCS includes local purposes of the Green Belt (at 4.2.7) these are not relevant in this case. Inappropriate development is deemed to be, by definition, harmful to the Green Belt under national policy and should not be approved except in 'very special circumstances'. Substantial weight should be given to harm to the Green Belt in the decision making process and 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations (NPPF - paragraph 148). The NPPF (paragraphs 149 & 150) goes on to set out certain types of development which should not be considered 'inappropriate' in Green Belt terms in the form of two 'closed' lists.

The construction of new buildings (paragraph 149) is considered to be 'inappropriate' development

in the Green Belt except where this involves (amongst other things) the:

- the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building; and
- the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;

Domestic outbuildings, including garages, do not specifically fall within this list and as such they are considered to be inappropriate development.

However there are some appeal decisions relating to garages and outbuildings in the Green Belt where such development has also been regarded as an extension to a dwelling as a matter of fact and degree in some circumstances. The basis for this was a court case of Sevenoaks District Council v SSE and Dawe (1997).

Moreover, whereas planning permission had been refused for policy reasons as being inappropriate development in the Green Belt in relation to a number of planning applications for domestic garages, a number of subsequent planning appeals have been allowed with Inspectors judging that such development is not inappropriate development. In respect of a proposed double garage at Muddy Paws, Rhododendron Avenue, Meopham the Inspector in determining the appeal and allowing the development (APP/K2230/D/18/3209272) stated:

The Council has contended that domestic outbuildings including garages do not fall within the above definition of an extension or alteration to a building. However, and although the terms are not specifically defined, on the basis that the proposal would be within the curtilage of the existing dwelling and to provide garage accommodation incidental to the enjoyment of the dwelling, I consider this to be too narrow an interpretation.

Furthermore, I note that saved policy C13 from the Local Plan and referenced by the Officer in the report is entitled Policy for Extensions to Dwellings in the Countryside and from the supporting text appears to relate to dwellings in the Green Belt. Under that policy, criterion vii specifically includes provision for domestic garages and other outbuildings; this suggests that Council policy has previously considered garages and outbuildings under the general umbrella term of an extension to a dwelling...

The Council has suggested that Policy C13 of the Local Plan is now out of step with national policy because there is no specific mention of outbuildings in the Framework as published in 2012 and revised in 2018. However, I am not aware that there has been a change in wording in this specific regard at the national level over many years, including before the National Planning Policy Framework was introduced in 2012...

Policy C13 of the Local Plan refers to garages and outbuildings being considered on their individual merits but they will be required to be well designed, discreetly sited and subservient to the scale of the main dwelling on the plot. The proposal would in terms of its dimensions and scale be subservient to the size of the main dwelling and would be well designed with materials to match the existing property. In terms of its siting, it would sit in front of the property and so would have some impact on openness, but it would be sited within a domestic curtilage and the proposed siting would continue a pattern that is already well established along the road...

Taking all of these factors together, and in the particular circumstances of this case, including the planning history on the site as well as the scale, proximity and siting of the proposal in relation to the dwelling, it is my conclusion that the proposed development would not be inappropriate development for the purposes of the Framework and development plan policy. There is therefore no need for the development to be justified by very special circumstances.

An appeal against refusal of a double garage and store at Stable Cottage Steeles Lane Meopham was allowed in November 2018 with the Inspector concluding that the cumulative effects would not be disproportionate, and that the development would be not-inappropriate development within the Green Belt.

More recently a planning permission was granted, by this Council's Regulatory Board (Planning Committee), for the removal of a stable building and out building and replacement with an 8 bay domestic garage building with lift facility for the double stacking of vehicles at The Barn, East Court Farm, Church Lane, Gravesend. This permission was granted contrary to the officer advice on the basis that the Board considered that there were very special circumstances, namely that:

- The proposal was within the residential curtilage of the property and did not encroach onto the Green Belt;
- That the design and external treatment of the proposal reflected the existing buildings on the site;
- There were no usable buildings on the site for vehicle storage;
- The design of the proposal was considered to be subservient to the dwelling it was related to; and
- The proposal had a limited impact on the openness of the Green Belt.

In this case, it is assessed that there would be only a moderate impact on the openness of the Green Belt from the proposed double garage. The garage will be cut into the hill and as part of the development the existing decking around the property will be extending forward by 0.5m. There will be a pitched green roof above the garage which serves to blend the structure into the landscape and mitigate the potential impact on the Green Belt. Moreover, the proposal involves a reduction in hardstanding, with the carport being removed and part of the driveway being returned to soft landscaping and planting, which is considered positive by virtue of reducing built form within the Green Belt. As such, with the cutback green roof and reinstatement of landscaping on site the impact is not regarded as harmful either to the openness of the Green Belt or to the purposes of including land in the Green Belt.

However, the Local Planning Authority will attach conditions to the decision notice relating to landscaping and permitted development rights. Firstly, a condition will be attached to the decision notice to ensure that a soft landscaping plan is submitted, and approved in writing, within three months of the development commencing. Moreover, to ensure that no additional outbuildings are constructed or hardstanding formed on the site that would harm the Green Belt, a condition will be attached to the decision notice removing permitted development rights for classes E and F of the Town and County Planning (General Permitted Development) (England) Order 2015, as amended.

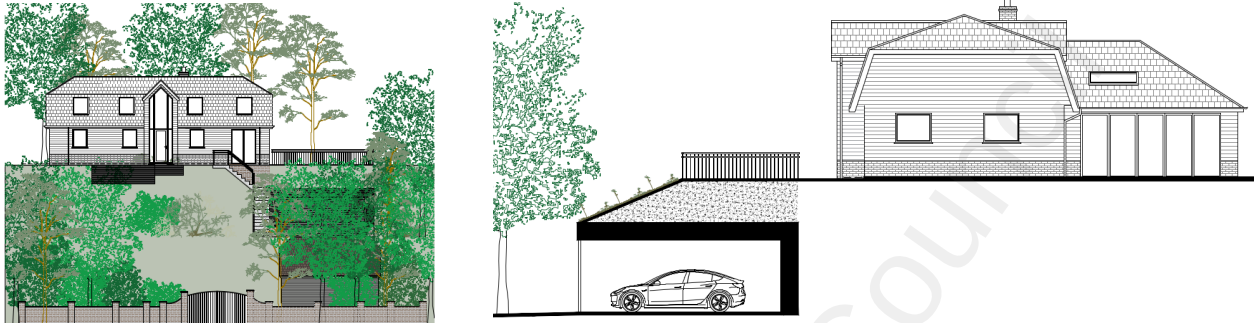
Overall, it is considered that the development would not be in conflict with the Core Strategy policies, local saved policies or the NPPF.

2. *Design, Character and Appearance*

Policy CS19 (Development and Design Principles) (LPCS) states that new development will be visually attractive and locally distinctive. It should also conserve and enhance the character of the local built and natural environment and integrate well with the surrounding area. The NPPF sets out that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve and add to the overall quality of the area, not just for the short term but over the lifetime of the development.

It also states that permission should be refused for development for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents.

In addition, Saved Policy C13 of Gravesham's Local Plan First Review (LPFR) (1994) sets out that the Council will consider proposals for domestic garages and other outbuildings on their merits having regard to whether they are well designed, discreetly sited and subservient to the scale of the main dwelling on the plot.



The proposed garage will be blended into the landscape and the hill through the cutback green roof. The plans also demonstrate that the hill below the property will be landscaped which will improve the appearance of the dwelling within the rural setting. Overall, the garage will not significantly impact the character of the area and will be discreetly sited and subservient to the scale of the dwelling. As such, the proposal is in accordance with saved policy C13 (LPCS), Policy CS19 (LPCS) and Section 12 of the NPPF.

A condition will be attached ensuring that the garage is not used for any other purpose other than a garage.

Moreover, the proposed development will result in a net gain of biodiversity on site in accordance with Section 15 of the NPPF.

3. *Amenity of Future Occupiers*

The development will have no impact on the amenity of future occupiers, and is in accordance with Policy CS19 (LPCS) and Section 12 (NPPF).

4. *Neighbouring Amenity*

The development will not impact on the amenity of neighbouring properties in terms of loss of light, loss of privacy, overshadowing, outlook or sense of enclosure. No representations have been received. As such, the development is in accordance with Policy CS19 (LPCS) and Section 12 (NPPF).

5. *Highways, Access and Parking Issues*

There are no parking or highway issues related to this proposal. The Highways Officer has raised no objections. In his comment, the Highways Officer highlighted that the dimensions of the double garage would be tight for two vehicles, but that it is acceptable.

It was also recommended that electric vehicle charging points are installed within the garage, which would future proof the development. As such, a condition relating the installation of cabling for EV charging in the future will be attached to the decision notice.

6. *Impact on the Landscape*

In addition to being within the Green Belt, the site is located within the Harvel Wooded Downs

Landscape Character Area. This area is characterised by varied topography, ancient wood and haphazard mosaic resident plots and small holdings.

Policy CS12 (LPCS) seeks to protect the Green infrastructure within the Borough and states at 5.7.26 the overall landscape character and valued landscapes will be conserved, restored and enhanced.

Overall the proposed subterranean garage is not in conflict with Policy CS12 (LPCS) and will have no impact on the landscape character area.

Conclusion

The application has been fully considered and is in accordance with local and national planning policy.

The proposed garage will be discreetly sited and subservient to the main dwelling, will blend in with the rural character of the area and into the hillside by virtue of the pitched green roof. As such, there is not considered to be any detrimental impact on the openness of the Green Belt nor the character of Valley Lane. The development will safeguard the amenity of future occupiers and neighbouring properties, and is acceptable in terms of highway policy.

Therefore, it is recommended that planning permission is granted subject to conditions.

Recommendation:

Permission

(For detailed conditions and informatives, see draft Decision)

Case Officer:	Mr Ethan Bonthron	Team Leader:	Miss Faye Hobbs
Signed:		Signed:	
Dated:	10 th August 2022	Dated:	10 August 2022